

In re application of:

ZAUDERER et al.

Appl. No.: 10/052,942

Filed: January 23, 2002

For: Methods of Producing for Identifying Intrabodies in

Eukaryotic Cells

Confirmation No.: 1028

Art Unit: 1639

Examiner: Epperson, Jon D.

Atty. Docket: 1821.0090004/EJH/T-M

Fifth Supplemental Information Disclosure Statement Filing Under 37 C.F.R. § 1.97(b)

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Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO/SB/08A are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Fifth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Fourth, Third, and Second Supplemental Information Disclosure Statements filed on August 6, 2004, September 22, 2003, and July 1, 2003, respectively, in connection with the above-captioned application.

In accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications, documents AA4-AI6, cited on the attached Form PTO/SB/08A are not submitted.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is

not in issue. Applicants have listed publication dates on the attached Form PTO/SB/08A based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO/SB/08A, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Attorney for Applicants

Registration No. 55,472

Date: 📗

1100 New York Avenue, N.W. Washington, D.C. 20005-3934

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Substitute for form 1449/PTO FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE

STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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Complete if Known								
Application Number	10/052,942							
Filing Date	January 23, 2002							
First Named Inventor	Maurice ZAUDERER							
Art Unit	1639							
Examiner Name	Epperson, Jon D.							
Attorney Docket Number	1821.0090004/EJH/T-M							

			U.S. PATENT DO	CUMENTS	
Examiner Initials	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages
initiais	NO.	Number-Kind Code ^{2 (If Known)}	WINI-DD-1111	Applicant of Cited Document	or Relevant Figures Appear
TIP	AA4	5,225,539	07/06/1993	Winter	
	AB4	5,565,332	10/15/1996	Hoogenboom et al.	
	AC4	5,571,698	11/05/1996	Ladner et al.	
	AD4	5,618,920	04/08/1997	Robinson et al.	
	AE4	5,733,743	03/31/1998	Johnson et al.	
	AF4	5,780,225	07/14/1998	Wigler and Sorge	
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	AA5	5,837,500	11/17/1998	Ladner et al.	
	AB5	5,871,907	02/16/1999	Winter et al.	
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1/	AJ5	6,130,364	10/10/2000	Jakobovits and Zsebo	
V	AK5	6,248,516 B1	06/19/2001	Winter et al.	

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Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). 'See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 'Enter Office that Issued the document, by the two-letter code (WIPO Standard ST.3). 'For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. • Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. • Applicant is to place a check mark here if

English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to by the GSP CPR 1.14. This calculation is estimated to take 2 industrial complete, including gathering, preparing, and submitting the completed epplication form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT BY APPLICANT

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First Named Inventor	Maurice ZAUDERER						
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			U.S. PATENT DO	CUMENTS	
Examiner Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages
		Number-Kind Code ^{2 (If Known)}			or Relevant Figures Appear
< B_	AA6	6,297,004 B1	10/02/2001	Russell et al.	
	AB6	6,335,163 B1	01/01/2002	Sharon	
	AC6	6,410,246 B1	06/25/2002	Zhu and Hua	
T .	AD6	6,420,113 B1	07/16/2002	Buechler et al.	
T	AE6	6,599,697 B1	06/29/2003	Sodoyer et al.	
	AF6	6,696,245 B2	02/24/2004	Winter and Tomlinson	
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1/	AH6	2003/0186374 A1	10/02/2003	Hufton and Hoogenboom	
U	A16	2004/0072740 A1	04/15/2004	Iverson et al.	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). 'See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Jepanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Zauderer et al.

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Methods of Producing or

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Confirmation No. 1028

Art Unit:

1639

Examiner:

Ponnaluri, P.

Atty. Docket: 1821.0090004/EJH/T-M

Second Supplemental Information Disclosure Statement

Commissioner for Patents Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on November 6, 2002, in connection with the above-captioned application. A copy of each document is also provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Second Supplemental Information Disclosure Statement is being filed before ... the mailing date of a first Office Action on the merits. No statement or fee is required.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Elizabeth J. Haanes, Ph.D.

Attorney for Applicants Registration No. 42,613

Date:

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Washington, D.C. 20005-3934

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Page 2 of 2 ATTY. DOCKET NO. APPLICATION NO. 1821.0090004/BJH/T-M 10/052,942 FORM PTO-1449 APPLICANT Zauderer et al. ECOND SUPPLEMENTAL TION DISCLOSURE STATEMENT FILING DATE GROUP January 23, 2002 1639 U.S. PATENT DOCUMENTS EXAMINER INITIAL DOCUMENT NUMBER DATE NAME CLASS SUB-CLASS FILING DATE AA AΒ AC AD AE AF AG AH ΑI AJ AK FOREIGN PATENT DOCUMENTS EXAMINER INITIAL DOCUMENT NUMBER COUNTRY CLASS SUB-CLASS TRANSLATION Yes AL No Yes AM No Yes AN No Yes AO No Yes AP No OTHER (Including Author, Title, Date, Pertinent Pages, etc.) Waterhouse, P., et al., "Combinatorial infection and in vivo recombination: a AR <u>23</u> strategy for making large phage antibody repertoires, " Nucl. Acids Res. 21:2265-2266, Oxford University Press (1993) AS ΑT

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

DATE CONSIDERED (

EXAMINER



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ZAUDERER et al.

Appl. No. 10/052,942

Filed: January 23, 2002

For:

Methods of Producing or Identifying Intrabodies in

Eukaryotic Cells

Confirmation No. 1028

Art Unit: 1639

Examiner: Ponnaluri, P.

Atty. Docket:

1821.0090004/EKS/EJH/T-M

Third Supplemental Information Disclosure Statement

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on July 1, 2003, in connection with the above-captioned application. A copy of each document is also provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not

be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Third Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits.

Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.¹

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Elizabeth J. Haanes, Ph.D. Attorney for Applicants

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¹Please note that, due to inclement weather associated with Hurricane Isabel, the United States Patent and Trademark Office was closed on September 18 and 19, 2003.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Zauderer et al.

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1627

Examiner: Ponnaluri, P.

Atty. Docket:1821.0090004/EKS/EJH/TAC

Information Disclosure Statement

Commissioner for Patents Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

The Examiner is referred to the following list of related, co-pending patent applications:

U.S. Patent Application No. 08/935,377, filed September 22, 1997, inventor Zauderer, M., is listed on the accompanying PTO-1449 forms as document AR20.

- U.S. Provisional Patent Application No. 60/203,343, filed May 10, 2000, inventor Zauderer, M., et al., is listed on the accompanying PTO-1449 forms as document AS20.
- U.S. Patent Application No. 09/818,991, filed March 28, 2001, inventor Zauderer, M., is listed on the accompanying PTO-1449 forms as document AT20.
- U.S. Patent Application No. 09/822,250, filed April 2, 2001, inventor Zauderer, M., is listed on the accompanying PTO-1449 forms as document AR21.
- U.S. Patent Application No. 09/987,456, filed November 14, 2001, inventor Zauderer, M., is listed on the accompanying PTO-1449 forms as document AS21.
- U.S. Patent Application No. 10/034,250, filed January 3, 2002, inventor Zauderer, M., is listed on the accompanying PTO-1449 forms as document AT21.
- U.S. Patent Application No. 10/061,395, filed February 4, 2002, inventor Zauderer, M., et al., is listed on the accompanying PTO-1449 forms as document AR22.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed after three months of the date of filing, but before the mailing date of a first Office Action on the merits or before the

mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Attorney for Applicants

Registration No. 42,613

Date: Ongst 8, 2002

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Page 1 of 22 ATTY. DOCKET NO. APPLICATION NO. 1821.0090004 10/052,942 JUL 2 1 2005 FORM PTO-1449 APPLICANT Zauderer et al. TION DISCLOSURE STATEMENT FILING DATE GROUP January 23, 2002 1627 " U.S. PATENT DOCUMENTS EXAMINER DOCUMENT DATE NAME CLASS INITIAL SUB-FILING DATE NUMBER CLASS K AA1 4,603,112 07/29/1986 Paoletti, E. et al. 435 235 12/08/1982 AB1 4,656,134 04/07/1987 Ringold, G.M. 435 91 04/12/1985 AC1 4,800,159 01/24/1989 Mullis, K.B. et al. 435 172.3 12/17/1986 AD1 4,816,397 03/28/1989 Boss, M.A. et al. 435 68 03/23/1984 AE1 4,861,581 08/29/1989 Epstein et al. 424 1.1 12/05/1986 10/23/1990 AFI 4,965,188 Mullis, K.B. et al. 435 6 06/17/1987 AG1 05/05/1992 424 89 06/14/1990 5,110,587 Paoletti, E. et al. AH1 5,445,953 08/29/1995 Dorner, F. et al. 435 172.3 08/26/1991 AI1 5,576,195 11/19/1996 Robinson, R.R. et al. 435 69.8 12/09/1994 AJ1 5,693,493 12/02/1997 Robinson, R.R. et al. 435 69.1 05/25/1995 AK1 5,770,212 06/23/1998 Falkner, F-G. et al. 424 199.1 02/21/1997 FOREIGN PATENT DOCUMENTS EXAMINER DOCUMENT INITIAL DATE COUNTRY CLASS SUB-TRANSLATION NUMBER CLASS EP 0120694 A2 10/03/1984 Europe Yes ALl No EP 0120694 B1 10/03/1984 Europe Yes AM1 No GB 2137631 A 10/10/1984 Great Britain Yes AN1 No WO 86/01533 A1 03/13/1986 WIPO Yes A01 No EP 0200362 A2 12/10/1986 Europe Yes AP1 No OTHER (Including Author, Title, Date, Pertinent Pages, etc.) Anderson, W.F., "Human Gene Therapy," Science 256:808-813, American Association AR 1 for the Advancement of Science (1992) Barbas III, C.F., et al., "Assembly of combinatorial antibody libraries on phage surfaces: The gene III site, " Proc. Natl. Acad. Sci. USA 88:7978-7982, National AS Academy Press (1991) Belyavsky, A., et al., "PCR-based cDNA library construction: general cDNA ΑТ libraries at the level of a few cells," Nucleic Acids Res. 17:2919-2932, Oxford 1 University Press (1989) EXAMINER DATE CONSIDERED EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609. line through citation if not in conformance and not considered. Include copy of this form with next

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communication to Applicant.

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1	AB	2	5,9	10,486	06/08/1999	Curiel et al.	514	1	44	06/06/1995	
	AC	2	5,9	19,650	07/06/1999	Barbacid et al.	435	5	69.1	04/22/1990	
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	AN4	WO O	0/28016	05/18/2000	WIPO				Yes No	
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	AS	<u>19</u>	Wong, G.G., et al., "Human GM-CSF: Molecular Cloning of the Complementary DNA and Purification of the Natural and Recombinant Proteins," Science 228:810-815, American Association for the Advancement of Science (1985)							
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